

SOCIAL WELFARE(L.A.2)DEPARTMENT

Sub:- SW - Land Acquisition for house sites to weaker sections -
Adilabad District - Bhainsa (V) & (M) - Proposals for
release decretal charges in O.P.No.11/99- Certain
Information - Called for - Regd.

Ref:- 1.From the Dy. Director (SW), Adilabad
Lr.Rc.No.LA2/558/2010,
dt 25.08.2010.
2. From the CSW Hyd Lr.No.LA-1/9539/2010, dated
08.10.2010.
3. From the CCLA, Hyd Lr.No.G3/1956/2010, dated
11.01.2011.

Please see the letter dated 11.01.2011 along with the letters of
the Dy. Director (SW), Adilabad Lr.Rc.No.LA2/558/2010, dt
25.08.2010 and CSW A.P., Hyd Lr. Lr.No.LA-1/9539/2010, dated
08.10.2010 together with its enclosures received from the CCLA.,
AP., Hyderabad at pages 1- 47 cf.

The CCLA, Hyderabad as reported by the CSW has stated that
the LAO/RDO, Nirmal has acquired land to an extent of Ac.3.29 in
Sy.No. 182 situated at Bhainsa (V) & (M) of Adilabad District vide
award Progs. No.G/4297/95, dated 16.4.1998 duly fixing the market
value @ Rs18,000/- per acre. On reference the Hon'ble Sr. Civil
Judge, Nirmal in OP.No.11/1999, dated 03.11.2005 has enhanced the
market value from Rs.18,000/- to Rs.2,10,000/- per acre, in addition to
30% Solatium on the enhanced compensation, 12% Addl Market value
under Sec.23(1-A) of the LA Act on the enhanced compensation from
the date of notification i.e., from 06.8.1997 to th date of award i.e.,
16.4.1998, the claimants are entitled for interest on compensation
awarded from the date of dispossession i.e., 23.11.1983 instead of the
date of notification as awarded by the LAO. And entitled for interest
on the aggregate enhanced compensation including solatium from
23.11.83 @ 9 % interest for the first year and thereafter 15% per

annum till payment is made. The GP for Appeals AP High Court vide his Lr. dated 05.3.2010 has opined that there are no grounds to prefer any appeal in the matter in Hon'ble High Court, A.P., Hyderabad and advised to comply the judgment of the reference court at the earliest to avoid payment of further

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interest Accordingly the District Collector, Adilabad has submitted proposals along with calculation sheet and requested for sanction of Rs.27,90,413/- towards payment of decretal charges for the land acquired to an extent of Ac.3.29 in Sy. No. 182 situated at Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker sections.

The CCLA, Hyd has verified the calculation sheet furnished by the Dist. Collector, Adilabad and forwarded the same to the Govt, for sanction of Rs.27,79,687/- for the land acquired to an extent of Ac.3.29 in Sy.No. 182 situated at Bhainsa (V) & (M) of Adilabad District. He has also stated that Commissioner of Legal Affairs has opined that, keeping in view of the opinion of GP for Appeals there being no ground to prefer an appeal, in AP., High Court.

In view of the position stated above, it is submitted for orders, whether sanction may be accorded to the Commissioner of Social Welfare, AP., Hyderabad to release an amount of Rs.27,79,687/- to the Dist. Collector, Adilabad towards payment of the decretal charges, as per the orders of Hon'ble Sr. Civil

Judge, Nirmal dated 03.11.2005 in OP.No.11/2005 in respect of the land acquired to an extent of Ac.3.29 in Sy.No. 182 situated at

Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker section's people .

After orders are passed, the file may be sent to the LAW Department for their remarks.

Please see the remarks of the Law Dept at para 6-11 on page 3 and 4 ante.

The Law Dept, while reiterating the judgment dated 03.11.2005 in OP No.11/1999 and opinion of the Asst., Govt Pleader, Nirmal, vide his Lr. dated 13.11.2006, that the enhance amount awarded by the Hon'ble Court is more than 10 times of compensation awarded by the LAO., and opined to prefer appeal before the Hon'ble High Court, the GP for Appeals of APHC vide his Lr. dated 05.3.2010 has stated that the judgment passed on 03.11.2005 nearing 4 years ago, the affidavit for condone delay which is sent was not sufficient for condoning delay and opined that he did not find any grounds to prefer an appeal in the matter and the Commissioner of Legal Affairs has opined that keeping in view of the opinion of the GP for Appeals there being no ground to prefer an appeal in AP High Court. The Law Dept., has further stated that the time limit for filing an appeal against the aforesaid judgment dated 3.11.2005 of Hon'ble Court has already been lapsed long back, and advised to examine and to take appropriate steps on implement the said judgment, in consultation with Finance department.

In view of the above, it is for orders, whether circulation orders may be obtained for sanction of an amount of Rs. 27,79,687/- (Rupees twenty seven lakhs seventy nine thousand six hundred and eighty seven only) to the Dist Collector, Adilabad, as per the Hon'ble Sr. Civil Judge, Nirmal, orders dated 03.11.2005 in OP.No.11/99 for the land acquired to an extent of Ac.3.29 in Sy.No. 182 situated at Bhainsa (V) & (M) of Adilabad District for providing house sites to the weaker section's people.

NOTE FOR CIRCULATION

The issue in this file relates to the proposal of the CCLA., A.P., Hyderabad for sanction of an amount of Rs.27,79,687/- towards the decretal charges, in O.P.No.11/99 in respect of the land acquired to an extent of Ac.3.29 Cts in Sy.No.182 situated at Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker section's people .

The CCLA , as reported by the Dist Collector, Adilabad, has stated that the LAO/RDO, Nirmal has acquired land to an extent of Ac.3.29 in Sy.No. 182 situated at Bhainsa (V) & (M) of Adilabad District vide award Progs. No.G/4297/95, dated 16.4.1998 duly fixing the market value @ Rs18,000/- per acre. On reference the Hon'ble Sr. Civil Judge, Nirmal in OP.No.11/1999, dated 03.11.2005 has

enhanced the market value from Rs.18,000/- to Rs.2,10,000/- per acre, in addition to 30% Solatium on the enhanced compensation, 12% Addl Market value under Sec.23(1-A) of the LA Act on the enhanced compensation from the date of notification i.e., from 06.8.1997 to the date of award i.e., 16.4.1998, the claimants are entitled for interest on compensation awarded from the date of dispossession i.e., 23.11.1983 instead of the date of notification as awarded by the LAO and entitled for interest on the aggregate enhanced compensation including Solatium from 23.11.83 @ 9 % interest for the first year and thereafter 15% per annum till payment is made. The Asst., Govt Pleader, Nirmal, vide his Lr. dated 13.11.2006, has stated that the amount enhanced by the Hon'ble Court is more than 10 times of compensation awarded by the LAO., and opined to prefer appeal before the Hon'ble High Court. The GP for Appeals AP High Court vide his Lr. dated 05.3.2010 has stated that the judgment passed on 03.11.2005 nearing 4 years ago, the affidavit for condone delay which is sent was not sufficient for condoning delay and opined that there are no grounds to prefer

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any appeal in the matter in Hon'ble High Court, A.P., Hyderabad and advised to

comply the judgment of the reference court at the earliest to avoid payment of

further interest. Accordingly the District Collector, Adilabad has submitted proposals along with calculation sheet and requested for sanction of Rs.27,90,413/- towards payment of decretal charges for the land acquired to an extent of Ac.3.29 in Sy. No. 182 situated at

Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker sections.

The CCLA, A.P., Hyd has verified the calculation sheet furnished by the Dist. Collector, Adilabad and forwarded the same to the Govt for sanction of Rs. 27,79,687/- towards payment of balance decretal charges OP.No.11/99 for the land acquired to an extent of Ac.3.29 in Sy. No. 182 situated at Bhainsa (V) & (M) of Adilabad District, He has also stated that Commissioner of Legal Affairs has opined that, keeping in view of the opinion of GP for Appeals there being no ground to prefer an appeal, in AP., High Court.for providing house sites to the weaker section's people .

When the file was referred to Law Dept. for their advice on the proposal of the CCLA, while reiterating the judgment dated 03.11.2005 in OP No.11/1999 and opinion of the Asst., Govt Pleader, Nirmal, dated 13.11.2006, that the enhance amount awarded by the Hon'ble Court is more than 10 times of compensation awarded by the LAO., and opined to prefer appeal before the Hon'ble High Court, the GP for Appeals of APHC has stated that the judgment passed on 03.11.2005 nearing 4 years ago the affidavit for condone delay which is sent was not sufficient for condoning delay and opined that he did not find any grounds to prefer an appeal in the matter and the Commissioner of Legal Affairs

Contd..,

has opined that keeping in view of the opinion of the GP for Appeals there being no ground to prefer an appeal in AP High Court. The Law Dept., has further stated that the time limit for filing an appeal against the aforesaid judgment dated 3.11.2005 of Hon'ble Court has already been lapsed long back, and advised to examine and to take appropriate steps on implement the said judgment, in consultation with Finance department.

In this connection it is submitted that Fin. Exp (SW) Dept have issued certain instructions for the files relating to release decretal charges need no to be sent to the dept vide their UO Note No.12869/196/A1//Exp.SW/2009, dated 22.5.2009 unless any clarification/budget is required. Since budget provision have been made under BE 2011-12 for this purpose, it is not necessary to send the file to the finance Dept for their concurrence.

In view of the position stated above, it is submitted for orders, whether sanction may be accorded to the Commissioner of Social Welfare, AP., Hyderabad for release an amount of Rs. 27,79,687/- (Rupees twenty seven lakhs seventy nine thousand six hundred and eighty seven only), to the Dist Collector, Adilabad, towards the balance of decretal charges, as per calculations of the CCLA, Hyderabad as per the Hon'ble Hon'ble Sr. Civil Judge, Nirmal orders dated 03.11.2005 in OP.No.11/99 for the land acquired to an extent of Ac.2.3250 Cts in Sy.No.182, situated at Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker section people., for providing house sites to the weaker section's people.

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After orders are passed the file may be circulated to Hon'ble
Minister for Social Welfare for approval of para () above.

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Social Welfare - Land Acquisition - Adilabad District - Bhainsa (V) & (M) - Acquisition of land to an extent of Ac. 2.3250 Cts in Sy. No. 182, for providing house sites to the weaker section's people - Sanction of Rs 27,79,687/- - towards balance decretal charges, as ordered in O.P.No. 11/99 - Orders - Issued.

SOCIAL WELFARE (LA.2) DEPARTMENT

G.O. Rt. No.

Dated: 25.06.2011.

Read the

following:

1. From the Dy. Director (SW), Adilabad
Lr.Rc.No.LA2/558/2010,
dt 25.08.2010.
2. From the CSW Hyd Lr.No.LA-1/9539/2010, dated
08.10.2010.
3. From the Spl CS to Govt & CCLA, Hyd Lr.No.G3/1956/2010,
dt. 11.01.2011.

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O R D E R:-

In the reference 3rd read above, the Special Chief Secretary to Government and Chief Commissioner of Land Administration, AP, Hyderabad has stated that the LAO/RDO, Nirmal has acquired land to an extent of Ac.3.29 in Sy. No. 182 situated at Bhainsa (V) & (M) of Adilabad District vide award Progs. No.G/4297/95, dated 16.4.1998 duly fixing the market value @ Rs18,000/- per acre. On reference the Hon'ble Sr. Civil Judge, Nirmal in OP.No.11/1999, dated 03.11.2005 has enhanced the market value from Rs.18,000/- to Rs.2,10,000/- per acre, in addition to 30% Solatium on the enhanced compensation, 12% Additional Market value under Sec.23(1-A) of the LA Act on the enhanced compensation from the date of notification i.e., from 06.8.1997 to the date of award i.e., 16.4.1998, the claimants are entitled for interest on compensation awarded from the date of dispossession i.e., 23.11.1983 instead of the date of notification as awarded by the LAO and entitled for interest on the aggregate enhanced compensation including Solatium from 23.11.83 @ 9 % interest for the first year and thereafter 15% per annum till payment is made. The Assistant Government Pleader, Nirmal, vide his Lr. dated 13.11.2006, has stated that the amount enhanced by the Hon'ble Court is more than 10 times of compensation awarded by the

LAO., and opined to prefer appeal before the Hon'ble High Court. The GP for Appeals AP High Court vide his Lr. dated 05.3.2010 has stated that the judgment passed on 03.11.2005 nearing 4 years ago, the affidavit for condone delay which is sent was not sufficient for condoning delay and opined that there are no grounds to prefer any appeal in the matter in Hon'ble High Court, A.P., Hyderabad and advised to comply the judgment of the reference court at the earliest to avoid

payment of further interest. The Additional Joint Collector, Adilabad has submitted calculation sheet for sanction of Rs.27,90,413/- towards payment of decretal charges for the land acquired to an extent of Ac.3.29 in Sy. No. 182 situated at Bhainsa (V) & (M) of Adilabad District, for providing house sites to the weaker sections.

2. The Special Chief Secretary to Government and Chief Commissioner of Land Administration, AP, Hyderabad, after scrutiny of the proposal of the Commissioner of Social Welfare, A.P., Hyderabad along with the calculation sheet furnished by the Addl. Joint Collector, Adilabad District, has forwarded the same to the Government for sanction of an amount of Rs. 27,79,687/- towards payment of decretal charges in O.P.No.11/99 in respect of the land acquired to an extent of Ac. 2.3250 Cts in Sy.No.182 situated at Bhainsa Village and Mandal of Adilabad District, for providing house sites to the weaker section people.

3. After careful examination, Government hereby accord sanction to the Commissioner of Social Welfare, AP, Hyderabad for release an amount of Rs. 27,79,687/- (Rupees twenty seven lakhs seventy nine thousand six hundred and eighty seven only) to the District Collector, Adilabad towards payment of decretal charges, as per the orders of Hon'ble Senior Civil Judge, Nirmal, dated 03.11.2005 in OP.No.11/99 in respect of the land acquired to an extent of Ac. 2.3250 Cts in Sy.No.182 situated at Bhainsa Village Mandal of Adilabad District, for providing of house sites to the weaker section's people.

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4. The amount of expenditure sanctioned in para (3) above shall be met within the B.E. 2011-12 and debited to the following Head of Account:

"2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes - 01- Welfare of Scheduled Castes - M.H.283 - Housing - G.H.11-Normal State Plan - SH(08) Acquisition of House sites to weaker sections in Indiramma Programme - 310/312 - other Grants-in-Aid" .

5. The Commissioner of Social Welfare, A.P., Hyderabad, is directed to issue necessary proceedings to the District Collector, Adilabad, to comply with the Court orders.

6. The District Collector, Adilabad, shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions issued vide U.O.Note No.12869/196/ A1/Esp.SW/2009, dated..22.05.2009 and U.O. No. 15926/256/A1/1/ Expr.SW/09, dated.17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. RAYMOND PETER
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary to Government & Chief Commissioner of Land Administration, AP, Hyderabad.
The Commissioner of Social Welfare, A.P., Hyderabad.
The District Collector, Adilabad.
Copy to:
The Director of Treasuries & Accounts, A.P. Hyderabad.
The Accountant General, A.P., Hyderabad
The District Treasury Officer, Adilabad, District.
Finance (Exp.SW/BG) Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER

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